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09/826,147	04/05/2001	James Andrew Mutton	PLAYS0012	3992
7590 Joerg-Uwe Szipl Griffin & Szipl, P.C. Suite PH-1 2300 Ninth Street, South Arlington, VA 22204-2320			EXAMINER SCUDERI, PHILIP S	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/826,147

Applicant(s)

MUTTON ET AL.

Examiner

Philip S. Scuderi

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) 16,32,37 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15,17-31,33-36,38-54 and 56-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 10/30/2007 has been entered.

### *Response to Arguments*

#### I. 35 U.S.C. § 112, ¶1

Applicant's arguments filed 10/30/2007 (herein "Remarks") in regards to the §112, ¶1 rejections have been fully considered but they are not persuasive.

Applicant argues that "computer program code stored on a memory of a computer" is supported on page 36, lines 18-21 and page 67, line 8 to page 68, line 2 of the specification (see Remarks at pp. 33).

The examiner has reviewed these passages and cannot find support for this limitation. Page 36 recites "signals capable of being stored," but does not recite a memory of a computer. Accordingly, the rejections have been maintained.

**II. 35 U.S.C. § 112, ¶2**

Applicant has amended the claims to overcome the rejections under §112, ¶2. Accordingly, those rejections have been withdrawn.

**III. 35 U.S.C. §§ 102-103**

Applicant's arguments filed 10/30/2007 (herein "Remarks") in regards to the §§ 102-103 rejections have been fully considered but they are not persuasive.

1. Applicant argues that Hans (U.S. Pub. No. 2002/0120577) does not teach or suggest a linking server that enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content (see Remarks at pp. 40). Applicant argues that Hans discloses only conventional servers such as a content management server (11 or 26) and a content provider server (16) (see id.) Applicant argues that a person of ordinary skill in the art would immediately realized that a conventional content server must deploy one or more reference files containing an address of content in order to enable streaming of digital content for a plurality of formats (see id.)

Hans maps to the claims in the following way:

Claim Element  
Client Workstation  
Linking Server  
Streaming Multi-Media Server

Hans Publication Element  
User Node 12  
Content Manager 11  
Content Provider Node 16

To meet the limitation at issue, Hans would need to teach that Content Manager 11 “enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content.”

Applicant’s assertion that one of ordinary skill in the art would recognize that “a conventional content server must deploy one or more reference files containing an address of content in order to enable streaming of digital content for a plurality of formats” does not establish a prima facie case that Hans’ Content Manager 11 inherently deploys one or more reference files containing an address of content in order to perform its functions. Even if reference files were required somewhere in Hans’ system there is no reason that they could not be deployed by Content Provider Node 16 (i.e., the streaming multi-media server). Note that the claims require the linking server to not have to deploy reference files. There is no reason that other elements in the system cannot deploy reference files.

2. Applicant argues that the content manager (11) taught by Hans is not a “linking server” because it allegedly does not provide any form of “linking” as understood by a person of ordinary skill in the art (see Remarks at pp. 41-42).

The specification does not define the term “link” or “linking.” The examiner is therefore required to give the term “linking” its broadest reasonable interpretation. The Computer Professional's Dictionary submitted by applicant provides that linking can mean establishing a logical connection between two differing objects, either hardware or software (see Computer Professional's Dictionary, 1990, page 212). Hans shows a content manager (11) that is clearly capable of establishing such a connection because figure 3 shows that it connects to user node 12 and content

provider node 16. Accordingly, it should be clear that the examiner's interpretation of a linking server is reasonable in view of the specification.

3. Applicant argues that Hans does not teach a link encoded web page (see Remarks at pp. 42).

This feature appears to be inherent. Hans discloses that content manager 11 can host a website that can be accessed by a conventional web browser and used to download previously licensed digital content using a web browser" (see paragraph 26). The examiner understands this to mean that the website provides some sort of reference (or link) to the digital content.

Moreover, even if there were some reason unbeknownst to the examiner that this feature is not inherent it would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

4. Applicant argues that the examiner is in error in characterizing the claimed invention as mere automation of a known manual process (see Remarks at pp. 43-44). Applicant argues that "information (i.e., an address) that was conventionally sent as data in a reference file is provided via a hyperlink directed to a linking server" (see Remarks at pp. 44). Applicant further argues that "[i]n this way, the web developer, who no longer has to create the reference files, is spared the task of having to include specialized port specifications and parameters in html reference tags, and is spared having to manage matching reference files" (see id.)

The examiner maintains that the claimed invention merely automates a known process. The prior art, as best understood by the examiner, saved reference information in a file and deployed the

file at a server. Whereas the present invention generates the same reference information automatically and sends the information to the server. Thus, the present invention appears to merely perform substantially the same steps previously performed by web developers.

5. Applicant challenge the examiner's assertion that deploying one or more reference files is a known manual process because rejections must be based on substantial evidence and not on bare assertions (see Remarks at pp. 44-45).

Page 17 of the specification states that "the present invention's core technology is about automatically generating the required streaming media 'reference file's' information on the server side, rather than requiring the Web site developer to create and manage the 'reference files' manually on the client side" (emphasis added). This statement provides ample evidence that creating and managing reference files manually was well known in the art.

### *Specification*

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1); MPEP § 608.01(o).

Claims 72, 74, and 76 recite the term "memory of a computer", which lacks proper antecedent basis in the specification. Appropriate correction is required.

Applicant is reminded that no amendment to the specification shall introduce new matter into the disclosure of the invention. 35 U.S.C. § 132(a).

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 72, 74, and 76 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Claims 72, 74, and 76 are directed to a "memory of a computer" having code for generating a request, directing receipt by a linking server, etc. Such a computer readable memory was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

***Claim Rejections - 35 USC §§ 102-103***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §§ 102-103 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.



**Claims 1, 2, 4-15, 33-36, 38, 40-50, 67, 68, and 71-77 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Hans (U.S. Pub. No. 2002/0120577).**

Regarding claim 1, Hans teaches a system for delivering streaming multi-media content over the Internet (see figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the Internet wherein link encoded web pages are displayed and said at least one client workstation enabling a user to select a link resulting in the transmission of a request over the Internet for receiving the multi-media content, said link specifying the multi-media content and format associated therewith (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

at least one linking server (content manager 11) hosting at least one link conversion process, wherein the linking server enables a plurality of formats (MP3, WMA, etc.) to stream without having to deploy one or more reference files containing an address to the multi-media content and receives the request for the multi-media content from said at least one client workstation (user node 12), the request comprising specification of the multi-media content in a web page embedding, said at least one linking server (content manager 11) generating another request to stream the multi-media content to said at least one client workstation (user node 12), said another request automatically formatted or preformatted to be in conformity at least with the format of the multi-media content via said at least one link conversion process (see paragraph [0029], where the access manager on

content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

at least one streaming multi-media server (content provider 16) storing the multi-media content, and responsive to the another request received from said at least one linking server (content manager 11) delivering the multi-media content over the Internet to said at least one client workstation (user node 12) (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not "link encoded" this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 2, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and format associated therewith further includes specification of said at least one linking server for pre-processing the request (paragraph [0026]).

Regarding claim 4, Hans teaches the system of claim 1, wherein said request does not expressly specify a communications port of said at least one linking server (paragraph [0026]).

Regarding claim 5, Hans teaches the system of claim 1, wherein said at least one linking server (content manager 11) includes a database for recording each said request (paragraph [0027]).

Regarding claim 6, Hans teaches the system of claim 1, wherein the linking server (content manager 11) processes said request only if the requesting client pays for the requested multi-media content (paragraph [0029]).

Regarding claim 7, Hans teaches the system of claim 1, wherein the linking server processes said request only if the requesting client is authorized to receive the requested multi-media content (paragraph [0029]).

Regarding claim 8, Hans teaches the system of claim 1, wherein the linking server hosts said conversion process for requests for multi-media content in a plurality of formats including MP3 and MPEG formats (paragraph [0022]).

Regarding claim 9, Hans teaches the system of claim 1, wherein said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 10, Hans teaches the system of claim 1, wherein the multi-media content is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 11, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 12, Hans teaches the system of claim 1, but does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and they provided advantages the ability to create dynamic and powerful Web-based business solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 13, Hans teaches the system of claim 1, wherein the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 14, Hans teaches the system of claim 1, wherein the at least one linking server (content manager 11) is such that a single server hosts a plurality of said at least one link conversion processes and said single server processes requests for a plurality of media formats corresponding to each said link conversion process (paragraph [0029]).

Regarding claim 15, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 33, the claim is rejected for substantially the same reasons as claim 1.

Regarding claim 34, Hans teaches the system of claim 33, wherein the computer network is the Internet (paragraph [0026]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one information and information services is multi-media content (paragraph [0022]).

Regarding claim 35, Hans teaches the system of claim 33, wherein the at least one information and information services is media content (paragraph [0022]).

Regarding claim 38, Hans teaches the system of claim 33, wherein said link specifying the at least one of information and information services and the format associated therewith further includes specification of said at least one connection processor for pre-processing the request (paragraph [0026]).

Regarding claim 40, Hans teaches the system of claim 33, wherein said request does not expressly specify a communications port (paragraph [0026]).

Regarding claim 41, Hans teaches the system of claim 33, wherein said at least one connection processor includes a database for recording each said request (paragraph [0027]).

Regarding claim 42, Hans teaches the system of claim 33, wherein said at least one connection processor processes said request only if the requesting client pays for the requested at least one of information and information services (paragraph [0029]).

Regarding claim 43, Hans teaches the system of claim 33, wherein said at least one connection processor processes said request only if the requesting client is authorized to receive the requested at least one of information and information services (paragraph [0029]).

Regarding claim 44, Hans teaches the system of claim 33, wherein the connection processor (content manager 11) hosts the conversion process for requests for at least one of information and information services in a plurality of formats including MP3, MPEG, and Windows Media formats (paragraph [0022]). Hans does not expressly state that the information and information services can be in RealNetworks<sup>TM</sup> or QuickTime<sup>TM</sup> formats. However, these formats were well known to one of ordinary skill in the art and would have been obvious to use here because RealNetworks formats

provide access to files at different speeds and QuickTime formats provide seamless exchange of digital media between nearly all digital media tools.

Regarding claim 45, Hans teaches the system of claim 33, wherein said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 46, Hans teaches the system of claim 33, wherein the at least one of information and information services is a MPEG or MP3 clip (paragraph [0022]).

Regarding claim 47, Hans teaches the system of claim 1, wherein said link specifying the multi-media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 48, the claim is rejected using the same rationale as claim 12.

Regarding claim 49, Hans teaches the system of claim 33, wherein the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 50, Hans teaches the system of claim 33, wherein the at least one linking server is such that a single server hosts a plurality of said at least one link conversion processes and said single server processes requests for a plurality of media formats corresponding to each said link conversion process (paragraph [0029]).

Regarding claim 67, Hans teaches a system for distributing website specification including at least one link encoded web page providing at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server), the system comprising:

a web server (content manager 11) responsively connected to the computer network, said web server for hosting the website (paragraph [0026]);

a web development workstation (user node 12) for specifying the at least one web page of the website, said web development workstation responsively connected to the computer network (paragraph [0026]);

a computer process hosted on the web development workstation for constructing at least one link specifying a connection processor (paragraph [0026], where the user selects the digital content using a web browser);

another computer process hosted on the web development workstation for embedding the at least one link into the at least one web page so that the at least one web page is a link encoded web page (paragraph [0026], the web page must have a link because the user makes selections);

a network interface for sending the at least one link encoded web page from the web development workstation to the web server (paragraph [0026]);

a client workstation (user node 12) responsively connected to the computer network wherein the client workstation originates at least one request for the at least one link encoded web page and at least one request for at least one of information and information services by specifying a selection, said selection resulting in the transmission of the at least one link over the computer network (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

another computer process hosted on the connection processor, receiving the at least one link and converting said at least one link to an other at least one of information and information services request, said request wherein the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content, and said request specifies at least one media server (paragraph [0029], where

the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

a network interface for transmitting the other at least one of information and information services request to the media server (figure 3).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not "link encoded" this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 68, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

applying a computer process (the process of receiving the request and contacting the content provider) to a specification of display formats (video formats) for at least one of information and information services (digital content) resulting in the generation of a link comprising the



specification of the display options and a reference to the connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats; paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format);

embedding said link into the website so that the website is a link encoded website (paragraph [0026]);

distributing the link embedded in the link encoded website to at least one client workstation (user node 12) (paragraph [0026]);

receiving the link by the connection processor resulting from the request for at least one of information and information services generated by the at least one client workstation, wherein the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content (paragraph [0026]); and

applying a computer process hosted on the connection processor (content manager 11) to convert the specification of display formats (video formats) for the connection processor into an other request for at least one server (content provider node 16) to satisfy the request for at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying

reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to “deploy one or more reference files” is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 71, Hans teaches in a system for distributing at least one of information and information services over a computer network wherein multi-media content is uploaded to at least one multi-media content server, a method (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a request for the multi-media content including at least one link specifying at least one linking server inserted in at least one web page so that the web page is a link encoded web page, responsive to a user request, said at least one link encoded web page to be distributed to at least one client workstation over the Internet, wherein the linking server enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content (paragraph [0026] where the user selects the digital content using a web browser);

receiving by the at least one linking server the request from the at least one client workstation for the multi-media content via the at least one link (paragraph [0026]); and

generating another request by the at least one linking server to stream the multi-media content to said at least one client workstation, said another request automatically formatted to be in conformity at least with the format of the multi-media content (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not "link encoded" this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontestable that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 72, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 73, Hans teaches in a system for distributing at least one of information and information services over a computer network wherein multi-media content is uploaded to at least one content server, a method (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a link encoded web page, wherein the link encoded web page, responsive to a user request, contains at least one link specifying a connection processor (content manager 11), said link encoded web page to be distributed to at least one client workstation over the computer network (paragraph [0026] where the user selects the digital content using a web browser);

receiving by the connection processor (content manager 11) over the computer network a request for at least one of information and information services, wherein the connection processor receives the request for the at least one of information and information services and the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content (paragraph [0026] where the user selects the digital content using a web browser),

identifying by the connection processor (content manager 11) the at least one of information and information services requested and generating other request to satisfy the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated other requests over the computer network to at least one of information and information services server (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and

manage reference files manually). So, removing the need to “deploy one or more reference files containing an address to the multi-media content” is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 74, the claim is rejected for substantially the same reasons as claim 73.

Regarding claim 75, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 76, the claim is rejected for substantially the same reasons as claim 71.

Regarding claim 77, the claim is rejected for substantially the same reasons as claim 1.

**Claims 17, 18, 20-31, 51-54, and 57-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985).**

Regarding claim 17, Hans teaches a method for processing requests for multi-media content by at least one client workstation over the Internet (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating at least one link encoded web page, wherein the link encoded web page includes a request for the multi-media content (digital content) including at least one link specifying at least one linking server (content manager 11), responsive to a user request, wherein the linking server enables a plurality of formats to stream without having to deploy one or more reference files containing an address to the multi-media content (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

distributing said at least one link encoded web page to the at least one client workstation (user node 12) over the Internet (paragraph [0026]);

receiving by the at least one linking server (content manager 11) the request from the at least one client workstation (user node 12) for the multi-media content (digital content) via the at least one link (paragraph [0026] where the user selects the digital content using a web browser); and

generating another request by the at least one linking server (content manager 11) to stream the multi-media content to said at least one client workstation (user node 12), said another request automatically formatted to be in conformity at least with the format of the multi-media content (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files containing an address to the multi-media content" is merely providing an automatic means to

replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Regarding claim 18, Hans further teaches that said link specifying the media content and the format associated therewith further includes a specification of said at least one linking server for preprocessing the request (paragraph [0026]).

Regarding claim 20, Hans further teaches that said request does not expressly specify a communications port of said at least one linking server (paragraph [0026]).

Regarding claim 21, Hans further teaches that said at least one linking server (content manager 11) includes a database for recording each said request (paragraph [0027]).

Regarding claim 22, Hans further teaches that the linking server processes said request only if the requesting client pays for the requested media content (paragraph [0029]).

Regarding claim 23, Hans further teaches that the linking server processes said request only if the requesting client is authorized to receive the requested content (paragraph [0029]).

Regarding claim 24, Hans further teaches that the linking server hosts said conversion process for requests for media content in MP3 and MPEG formats (paragraph [0022]).

Regarding claim 25, Hans further teaches that said web pages are hosted on a web server, wherein said web server only serves requests for content consisting of web pages (paragraph [0026]).

Regarding claim 26, Hans further teaches that the media content is a MPEG or MP3 multi-media clip (paragraph [0022]).

Regarding claim 27, Hans further teaches that said link specifying the media content and the format associated therewith specifies one of a plurality of different formats (paragraph [0022]).

Regarding claim 28, Hans does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as the ability to create dynamic and powerful Web-based solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.



Regarding claim 29, Hans further teaches that the at least one link conversion process is a plurality of link conversion processes (paragraph [0029]).

Regarding claim 30, Hans further teaches that the at least one linking server is such that a single server hosts a plurality of said at least one link conversion process and said single server processes requests for a plurality of media formats corresponding to each link conversion process (paragraph [0029]).

Regarding claim 31, the claim is rejected for substantially the same reasons as claim 17.

Regarding claim 51, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a link encoded web page, wherein the link encoded web page contains at least one link specifying a connection processor (content manager 11) (paragraph [0026] where the user selects the digital content using a web browser);

distributing the web page to at least one client workstation (user node 12) over the computer network (paragraph [0026]);

receiving over a computer network a request for at least one of information and information services (digital content), wherein the connection processor (content manager 11) receives the request for the at least one of information and information services without having to deploy one or more reference files containing an address to the multi-media content (paragraph [0026] where the user selects the digital content using a web browser);

identifying the at least one of information and information services requested (paragraph [0029]);

generating other requests to satisfy the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one of information and information services server (content provider 16) (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the multi-media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files containing an address to the multi-media content" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to

replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Regarding claim 52, Hans further teaches that the computer network is the Internet (paragraph [0026]).

Regarding claim 53, Hans further teaches that the at least one information and information services is streaming multi-media content (paragraph [0027]).

Regarding claim 54, Hans further teaches that the at least one information and information services is media content (paragraph [0027]).

Regarding claim 57, Hans further teaches that said request for at least one of information and information services does not expressly specify a communications port of said connection processor (paragraph [0026]).

Regarding claim 58, Hans further teaches that said connection processor includes a database for recording each request (paragraph [0027]).

Regarding claim 59, Hans further teaches that said connection processor processes said request for at least one of information and information services only if the requesting client pays for the requested at least one of information and information services (paragraph [0029]).

Regarding claim 60, Hans further teaches that the connection processor processes said request for at least one of information and information services only if the requesting client is authorized to receive the requested at least one of information and information services (paragraph [0029]).

Regarding claim 61, Hans teaches that the connection processor (content manager 11) hosts the conversion process for requests for at least one of information and information services in a plurality of formats including MP3, MPEG, and Windows Media™ formats (paragraph [0022]). Hans does not expressly state that the information and information services can be in RealNetworks™ or QuickTime™ formats. However, these formats were well known to one of ordinary skill in the art and would have been obvious to use here because RealNetworks formats provide access to files at different speeds and QuickTime formats provide seamless exchange of digital media between nearly all digital media tools.

Regarding claim 62, Hans further teaches that said web pages are hosted on a web server which only processes requests for web pages (paragraph [0026]).

Regarding claim 63, Hans further teaches that the at least one of information and information services an MPEG or MP3 clip (paragraph [0022]).

Regarding claim 64, Hans further teaches that the connection processor generates other requests for at least one of information and information services in a plurality of distinct formats (paragraph [0022]).

Regarding claim 65, Hans does not expressly disclose all the particular aspects of the server software running on the content manager (paragraph [0026]). Hans does not teach that the server

software utilizes Microsoft ASP and VBScript. However, it was common knowledge in the art that Microsoft ASP and VBScript were well-known technologies used for hosting websites and that they provided advantages such as the ability to create dynamic and powerful Web-based business solutions. It would have been obvious to one of ordinary skill in the art to use these technologies in the instant case for the same reasons.

Regarding claim 66, Hans further teaches that the connection processor hosts a plurality of processes for generating other requests in a plurality of distinct formats (paragraph [0026]).

**Claims 69 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of Kenner (U.S. Patent No. 6,421,726).**

Regarding claim 69, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising:

at least one client workstation (user node 12), responsively interfaced to the computer network wherein a link encoded web page is displayed and said at least one client workstation enabling a user to select a link resulting in the transmission of a request over the computer network for receiving the at least one of information and information services (paragraph [0026] where the user selects the digital content using a web browser);

at least one connection processor (content manager 11) responsively interfaced to the computer network and hosting at least one connection conversion process, wherein the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one

or more reference files containing an address to the media content and receives the request from at least one client workstation for the at least one of information and information services and applying the at least one connection conversion process to generate at least one other request for the at least one of information and information services and transmit the at least one other request over the computer network (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

at least one server (content provider 16) responsively interfaced to the computer network and hosting the at least one of information and information services, said at least one server receiving the at least one other request to deliver at least one of information and information services over the computer network to said at least one requesting client workstation (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the media content" this feature would be obvious within the meaning of § 103. Deploying reference files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to "deploy one or more reference files" is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontested that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Hans does not expressly disclose that the at least one other request is *responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services*. Hans is silent regarding the particular details of how the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve multimedia files (or other types of files) responsive to changes in network demand for the files, as evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection scheme provides advantages such as reducing overall network congestion (column 6, line 14). Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the instant case as well.

**Claim 70 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985) and Kenner (U.S. Patent No. 6,421,726).**

Regarding claim 70, Hans teaches a system for optimizing the distribution of at least one of information and information services over a computer network (figures 3 and 5, where the users access digital content stored on a remote content provider server) comprising the steps of:

generating a link encoded web page, wherein the link encoded web page, responsive to a user request, contains at least one link specifying a connection processor (content manager 11), and encoding at least one of information and information services display (paragraph [0026] where the user selects the digital content using a web browser; paragraph [0022], where user requests are for particular digital content that can be requested in different formats);

distributing the at least one link encoded web page over the computer network (paragraph [0026]);

receiving, over a computer network, a request for at least one of information and information services, wherein said receiving the request for the at least one of information and information services is performed by a connection processor (content manager 11), wherein the connection processor is a linking server enabling a plurality of formats to stream without having to deploy one or more reference files containing an address to the media content (paragraph [0026] where the user selects the digital content using a web browser);

generating at least one of another request for the at least one of information and information services (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format); and

transmitting said generated requests over the computer network to at least one server (content provider 16) (paragraph [0029], where the access manager on content manager 11 authorizes the content provider to transmit stream the digital content to user node 12 in the user-specified format).

Even if there were some reason that is currently unknown to the examiner that Hans' content manager (11) was required to "deploy one or more reference files containing an address to the media content" this feature would be obvious within the meaning of § 103. Deploying reference



files is a known manual process. See, e.g., Specification at 17 (developers create and manage reference files manually). So, removing the need to “deploy one or more reference files” is merely providing an automatic means to replace a manual activity, which accomplishes the same result. Providing an automatic means to replace a manual activity, which accomplishes the same result, is insufficient to distinguish over prior art. MPEP § 2144.04(III).

Even if there were some reason unbeknownst to the examiner that the web page is not “link encoded” this feature would clearly have been obvious to one of ordinary skill in the art. It is uncontestable that providing links in a web page to access related content is the most widely used way to direct a user to associated content. It would have been obvious to do so here to enable Hans' system to function properly.

Hans does not expressly disclose *uploading the at least one of information and information services to the at least one server*. Hans is silent regarding the particular details of how the digital content (i.e., the information or information services) ends up on the content provider node (16).

Nonetheless, uploading files to their intended destination was notoriously well known in the art, as evidenced by the File Transfer Protocol (FTP) disclosed in RFC 959 (the whole document). FTP provides advantages such as providing users with a reliable and convenient means storing files on different hosts (page 2, third paragraph). Accordingly, it would have been obvious to use such an upload scheme in the instant case.

Hans does not expressly disclose that the at least one other request is *responsive to the requirements of a dynamic resource distribution optimization program responsive to changes in network demand for the at least one of information and information services or uploading the at least one of information and information*

*services to the at least one server.* Hans is silent regarding the particular details of how the content manager (11) chooses the content provider node (16).

Nonetheless, it was well known in the art to dynamically select an appropriate server to serve multimedia files (or other types of files) responsive to changes in network demand for the files, as evidenced by Kenner (e.g., column 5, line 63 – column 6, line 18). Kenner's dynamic selection scheme provides advantages such as reducing overall network congestion (column 6, line 14). Therefore, it would be obvious to dynamically select appropriate servers in the same manner in the instant case as well.

**Claims 3 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of Stewart (U.S. Publication No. 2002/0087707).**

Regarding claim 3, Hans teaches the system of claim 1, and that the users can select the digital content by connecting to a web site hosted by the content manager in a conventional manner (paragraph [0026]). The conventional manner of specifying return links is to not expressly specify ports. Nonetheless, it was well known in the art to expressly use a non-default port, as evidenced by Stewart. In a similar art, Stewart teaches a web site that connects clients to a non-default port (paragraph [0049]). Given the teachings of Stewart, it would have been obvious to one of ordinary skill in the art to do so in the instant case for any of the advantages that Stewart discloses such as conveniently providing a different look and feel, etc. (paragraph [0049]).

Regarding claim 39, the claim is rejected using the same rationale as claim 3.

**Claims 19 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hans (U.S. Publication No. 2002/0120577) in view of RFC 959 (File Transfer Protocol, Postel et al., October 1985), and further in view of Stewart (U.S. Publication No. 2002/0087707).**

Regarding claim 19, Hans and RFC 959 teach the method as applied to claim 17 above. Hans further teaches that the users can select the digital content by connecting to a web site hosted by the content manager in a conventional manner (paragraph [0026]). The conventional manner of specifying return links is to not expressly specify ports. Nonetheless, it was well known in the art to expressly use a non-default port, as evidenced by Stewart. In a similar art, Stewart teaches a web site that connects clients to a non-default port (paragraph [0049]). Given the teachings of Stewart, it would have been obvious to one of ordinary skill in the art to do so in the instant case for any of the advantages that Stewart discloses such as conveniently providing a different look and feel, etc. (paragraph [0049]).

Regarding claim 56, Hans and RFC 959 teach the method as applied to claim 51 above. The claim is rejected using the same rationale as claim 19.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kocherlakota (U.S. Publication No. 2004/0236844) teaches:

client workstations (clients 11, 13, 15, and 16) that requests multi-media files and specify a requested format (paragraph [0010]);

a request server (request server 19) hosting a link conversion process that communicates other requests formatted in conformity with the format of the multi-media content to a scheduler for receiving the multi-media files (paragraph [0025]); and

streaming multi-media servers (signal sources 31-37) storing the multi-media content, and responsive to the another request received from the request server delivering the multi-media content over the Internet to the client workstations (figure 7).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
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Art Unit: 2153

Page 36

/Philip S Scuderi/

  
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